

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID J. WILDE,)	4:05CV3293
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
CITY OF LINCOLN,)	
)	
Defendant.)	

The defendant in this case has filed a motion for summary judgment (filings 27-29). The plaintiff has filed a brief and evidence in response to the motion for summary judgment (filing 32 & 33). The defendant has filed two additional motions: (1) a motion to extend time to file a motion to strike portions of the plaintiff's brief and evidence (filing 34) and (2) a motion to extend time to reply to the plaintiff's brief and evidence until 10 days after the court rules on the motion to strike (which, of course, has not yet been filed).

The court routinely considers motions to strike at the same time it considers motions for summary judgment and makes a ruling on both motions in the same order. If the court decides that certain evidence should be stricken, the court does not consider it and so states in its order on summary judgment. The converse is also true. The defendant's motions do not explain why this case is so unique that the court's standard practice should not be followed, stating only that "[t]he Court's rulings on the Motion to Strike will govern the City's reply." (Filing 35.) Accordingly, I shall grant the defendant additional time within which to file a motion to strike and to reply to the plaintiff's brief and evidence regarding the pending summary judgment motion, but I shall not allow the defendant to delay in filing its reply until after the court rules on the motion to strike.

IT IS ORDERED:

1. The defendant's Motion for Extension of Time to File a Motion to Strike Portions of Filings 32 and 33 (filing 34) is granted, and the defendant shall file its Motion to Strike and accompanying brief on or before February 22, 2007;
2. The defendant's Motion for Extension of Time to Reply to Filing No. 32 (filing 35) is granted in part, and the defendant shall file its Reply on or before February 28, 2007;
3. The Clerk of Court shall adjust the court's internal computerized record-keeping system to reflect that the "response due" date on Filing 27 is February 28, 2007.

February 15, 2007.

BY THE COURT:

s/ Richard G. Kopf

United States District Judge